

November 3, 2009 Election

Candidacy Requirements

For

Statewide Office

2009 ELECTION CALENDAR

GOVERNOR, LIEUTENANT GOVERNOR AND ATTORNEY GENERAL

ELECTION TYPE	ELECTION DATE	DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		² CANDIDATE DECLARATIONS/ PETITIONS	² OTHER CANDIDATE FORMS	³ PARTY CHAIRS CERTIFY CANDIDATES		
¹ Primary	June 9	March 24 noon to April 10 5:00 p.m.	April 10 5:00 p.m.	April 15 5:00 p.m.	May 11	By Mail: June 2 In Person: June 6
PARTY NOMINATIONS, OTHER THAN BY PRIMARY ELECTION, MAY BE MADE NO EARLIER THAN MAY 8 AND MUST BE COMPLETED BY 7:00 P.M., JUNE 9.						
² General	November 3	NON-PARTY CANDIDATES June 9 7:00 p.m.	ALL CANDIDATES June 9 7:00 p.m.	June 15 5:00 p.m.	October 5	By Mail: October 27 In Person: October 31
¹ Notification of adoption of primary must be filed with the State Board of Elections by the party chair for the election district no sooner than February 19, 2009 nor later than March 11, 2009. ² See Candidate Bulletin for the office sought for specifics as to forms required and where they are filed. The bulletins and forms are available on our website: http://www.sbe.virginia.gov OR from this office VOICE: In the Richmond area, 864-8901 - From all other areas: 804-864-8901 - Toll-free: 800-552-9745 - TTY: Toll-free 800-260-3466 ³ Forms for use in certification will be mailed to Party Chairs by State Board of Elections.						
ON ANY ELECTION DAY - WHETHER GENERAL, PRIMARY, OR SPECIAL - THE POLLS ARE REQUIRED TO OPEN AT 6:00 A.M. AND CLOSE AT 7:00 P.M.						



INTRODUCTION

This bulletin and all required forms are available on our website.

http://www.sbe.virginia.gov/cms/Cidate_Information/Index.html

Each document is explained in Item VI on Pages 3, 4 and 5 herein.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., Primary Candidate, Party Candidate Nominated By Method Other Than A Primary and Independent (Non-Party) candidate.

Should you have questions relating to your candidacy, please do not hesitate to call us. Our toll-free number is 800-552-9745. You also can reach us at 804-864-8901.





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I. STATEWIDE OFFICES

This bulletin applies to the offices of Governor, Lieutenant Governor and Attorney General. These officers serve all residents in the Commonwealth of Virginia.

II. ADVERTISING AND CAMPAIGN MATERIAL

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to Chapter 14 in the *Candidate Campaign Committee Summary* published by the State Board of Elections for specific requirements. If you have questions relating to campaign finance, please call our toll-free number and ask for the Campaign Finance Division.

The following is provided for your additional information:

A. Sample Ballots

Any **sample** of a paper or voting equipment **ballot** must contain the words **SAMPLE BALLOT**, the appropriate statement required by the Campaign Finance Disclosure Act and, in addition, must:

1. contain the words **SAMPLE BALLOT** in not less than 24 point type; and
2. be printed on paper of a color **other than white** or **yellow (canary)**.

B. Posting

Contact the local government administrator of the county or of the city in which you wish to post signs or other campaign materials to determine whether local ordinances prohibit or restrict the posting of campaign materials.

No locality shall have the authority to prohibit the display of political campaign signs on private property if the signs are in compliance with zoning and right of way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property. [§15.2-109 of the Code of Virginia]

C. Violations

If you believe the law has been violated and you have facts concerning the violation, you should report them in writing to the Commonwealth's Attorney in the county or city in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

III. VDOT INFORMATION

A “clean” campaign is a sign of the time



Don’t “trash” your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



Don’t make highway workers “play politics” on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON’T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



Don’t let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT’S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON’T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



Don’t get “stuck” by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON’T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



Don’t risk someone’s life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST’S VISION - AND COST SOMEONE HIS LIFE. THAT’S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner’s permission, of course. And because political signs and posters located off the right of way aren’t considered “outdoor advertising”, you won’t even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

IV. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- ◆ Qualified to vote for and hold the office sought;
- ◆ At least thirty years of age by the time of taking office;
- ◆ If a candidate for Governor or Lieutenant Governor, a resident and voter of the Commonwealth for five years immediately preceding the election; or
- ◆ If a candidate for Attorney General, a resident of the Commonwealth admitted to the bar of the Commonwealth at least five years prior to the election.

V. DISQUALIFICATION – CFDA REPORTS NOT FILED FOR A PRIOR CAMPAIGN

Individuals who are seeking, and who during the preceding five years have campaigned for, the offices of Governor, Lieutenant Governor, Attorney General, the Virginia Senate or House of Delegates must have filed all required campaign contributions and expenditures reports for those past campaigns in order to qualify as a new candidate for any of these offices. This is required by § 24.2-948.3 of the *Code of Virginia* and is in addition to other requirements for candidacy.

VI. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html

A. **Statement of Organization for a CANDIDATE**

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

For further details, see Chapter 2 in the *Candidate Campaign Committee Summary* published by the State Board of Elections and also found on our website:

http://www.sbe.virginia.gov/cms/Campaign_Finance_Disclosure/Index.html

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

B. Certificate of Candidate Qualification

This document is prepared and distributed by the State Board of Elections. It must be filed by **all** candidates for this election.

C. Declaration of Candidacy

This document is prepared and distributed by the State Board of Elections. It must be filed by primary election candidates and independent (non-party) candidates. It must be filed **at the same time** as the petitions.

Candidates for political party nomination by a method **other than a primary** file the above declaration and the petitions described below only if so required by the rules of the political party. Contact your State Chair to determine if they are required.

D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required, including at least 400 from each of Virginia's 11 congressional districts, must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by all primary and independent (non-party) candidates. Petitions **cannot** be circulated until **after** January 1, 2009.

1. Petition Circulator

Petitions can be circulated by any person who resides in the Commonwealth of Virginia. The circulator must be a person who is, or who is eligible to be, registered and qualified to vote for the office for which the petition is circulated.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of each signature. Falsely taking this affidavit is a felony under Virginia law. The petition **NEVER** can be left unattended, i.e., left on the counter at a grocery store, restaurant, etc.

2. Number of Signatures Required

Petitions must contain the signatures of at least **10,000** qualified voters of the Commonwealth.

The State Board recommends that 15,000 - 20,000 signatures be obtained with at least **700** signatures from each congressional district to assure that enough signers are qualified voters.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

3. How Petitions Must Be Submitted

For a statewide office, it is suggested that petitions be filed in county/city order to facilitate the processing of the filing. A line also is provided for the **optional** entry of the congressional district number for the candidate's use in tracking the requirement that at least 400 signatures be obtained from each congressional district.

Petitions for a primary election must be delivered in **sealed boxes**. A statement, **signed by the candidate under oath**, setting forth his name and the number of signatures on the petitions in the sealed boxes must be attached to the first box. [See **Item VII** herein] These boxes may be opened only by the State Chair of the candidate's party and will be delivered to that Chair by the State Board of Elections.

E. Statement of Economic Interests

This document is prepared by, and available from, the Secretary of the Commonwealth's website:

<http://www.commonwealth.virginia.gov/Forms/index.cfm>

or at the State Board of Elections' website:

http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html

It is required to be filed by all candidates for statewide office.

Exception – Candidates for re-election to the same office need not re-file this form if they met the requirements for filing in January 2009 as officeholders.

Questions concerning the Statement of Economic Interest should be directed to the Secretary of the Commonwealth's office at (804) 786-2441.

VII. STATEMENT OF NUMBER OF PETITION SIGNATURES – PRIMARY CANDIDATE ONLY

A suggested format is provided below:

<p style="text-align: center;">STATEMENT OF PETITION SIGNATURES FOR Statewide Office June 9, 2009 (enter Democratic or Republican) Primary</p> <p>I, (enter name), do hereby swear (or affirm) that the petitions I am filing as a primary election candidate contain the following number of signatures:</p> <p style="text-align: center;">(Enter number)</p> <p>which include at least 400 from each of Virginia's 11 congressional districts.</p> <p style="text-align: right;">(Signature of filer)</p> <p>Subscribed and sworn to before me this (enter date) day of (enter month), 2009.</p> <p style="text-align: right;">(Signature of Notary and ID Number)</p> <p>My term expires: (enter date)</p>
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VIII. PRIMARY FILING FEE

As the name suggests, this fee is required to be filed **ONLY** by primary election candidates. The amount required to be paid is 2% of the annual salary for the office sought in effect in the year in which the candidate files and as shown in the Appropriations Act adopted by the General Assembly.

Governor	\$3,500.00	[2% of \$175,000]
Lieutenant Governor	\$ 726.42	[2% of \$ 36,321]
Attorney General	\$3,000.00	[2% of \$150,000]

NOTE: Candidates who are nominated by a political party by a method **other than** a primary election may be required to pay a filing fee. This fee is determined by the rules of the political party. Contact the State party headquarters for details.

IX. FILING DEADLINES AND WHERE TO FILE**For A Primary Candidate**

Items 1, 2, 3 and 4 must be received by the *State Board of Elections* by the filing deadline. Postmarks are acceptable **only** for *Item 6 and 7* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

PRIMARY FILING FEE	WHERE TO FILE	FILING DEADLINE
Filing Fee in the amount of: \$3,500.00 for Governor \$ 726.42 for Lt. Governor \$3,000.00 for Attorney General	State Board of Elections 200 N. 9 th Street, Ste 101 Richmond, VA 23219 (800) 552-9745 or direct (804) 864-8901	5:00 p.m. 4/10/2009
REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	State Board of Elections	No earlier than
*2. Petitions of Qualified Voters		Noon, 3/24/2009
*3. Receipt for Payment of Primary Filing Fee		and no later than 5:00 p.m.,
4. Statement of Number of Petition Signatures		on 4/10/2009
*5. Statement of Organization for a CANDIDATE		
*6. Certificate of Candidate Qualification		
*7. Statement of Economic Interests	Secretary of the Commonwealth PO Box 2454 Richmond, VA 23218 (804) 786-2441	5:00 p.m. 4/10/2009

DO'S AND DON'TS FOR A PRIMARY ELECTION

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONT1P.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2P.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the Primary Election ballot.

* Refer to Pages 3, 4 and 5 herein for details.

**The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

X. FILING DEADLINE AND WHERE TO FILE

For A Party Candidate Nominated By Method Other Than A Primary

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

REQUIRED FORM	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	State Board of Elections 200 N. 9 th Street, Ste 101 Richmond, VA 23219 (800) 552-9745 or direct (804) 864-8901	7:00 p.m. 6/9/2009
*2. Statement of Organization for a CANDIDATE**		
*3. Statement of Economic Interests	Secretary of the Commonwealth PO Box 2454 Richmond, VA 23218 (804) 786-2441	7:00 p.m. 6/9/2009

DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1_GE.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2G.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

<p>Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the General Election ballot.</p>

* Refer to Pages 3, 4 and 5 herein for details.

**The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

XI. FILING DEADLINE AND WHERE TO FILE

For An Independent (Non-Party) Candidate

Items 1 and 2 listed below **must be received** by the *State Board of Elections* by the filing deadline. Postmarks are acceptable **only** for *Items 4 and 5* and **only** if it is mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	State Board of Elections	7:00 p.m.
*2. Petitions of Qualified Voters	200 N. 9 th Street, Ste 101	6/9/2009
*3. Statement of Organization for a CANDIDATE**	Richmond, VA 23219 (800) 552-9745 or direct	
*4. Certificate of Candidate Qualification	(804) 864-8901	
*5. Statement of Economic Interests	Secretary of the Commonwealth PO Box 2454 Richmond, VA 23218 (804) 786-2441	7:00 p.m. 6/9/2009

DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1_GE.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2G.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the General Election ballot.

* Refer to Pages 3, 4 and 5 herein for details.

**The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

XII. REQUIREMENTS FOR INDEPENDENT CANDIDATE TO USE PARTY ID ON THE BALLOT

The General Assembly enacted legislation permitting an Independent to be identified on the ballot as a member of a political party (other than the Democratic Party or the Republican Party). In order to do so, the State Chair of the group must provide certain documents to the State Board of Elections **no later than 5:00 PM on Monday, June 15, 2009.**

These documents are:

1. An affidavit signed by the State Chair of the group, under oath, stating that the group:
 - a. Has been in existence for at least six months prior to the filing deadline (existed on or before December 9, 2008);
 - b. Has a state central committee composed of registered voters from each of Virginia's 11 congressional districts;
 - c. Has a party plan and bylaws; and
 - d. Has a duly designated chairman and secretary.
2. A list of the names and resident addresses of the officers and members of the state central committee;
3. A copy of the party plan and bylaws; and
4. A letter signed by the State Chair of the group, certifying that the individual is the nominee of the Party and, if his filing is adequate and he is determined to be qualified, is eligible to be identified as such on the November 3, 2009 ballot for the statewide office for which he filed as an Independent candidate.

NOTE:

The State Board of Elections recommends that the Independent candidate provide this information to the State Chair of the political party if he wishes to be identified as a member of a specific group on the November 3 ballot to assure that deadline for providing this information is met.

XIII. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent (non-party) candidate may request notification of any problems with his filing that can be corrected before the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the State Board of Elections. It must accompany the declaration of candidacy and petitions filed with the State Board.

The written request **does not guarantee** timely response. Certain factors may affect the Board's ability to follow through, that is, the number of filings, etc. It is suggested that documents be filed **at least twenty [20] working days before the filing deadline** if this notice is requested.

XIV. OTHER REQUIRED REPORTS

All candidates for any statewide office must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures electronically. These reports are filed **only** with the State Board of Elections. See Candidate Reporting Schedule for dates reports are due.

The State Board of Elections will canvass the November 3 election on Monday, November 23, 2009. A certificate of election will be prepared by the Board on that day. This certificate cannot be issued to any person elected until all required reports are filed. Any successful candidate may file the post-election report no earlier than December 3, 2009.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

XV. ORDER OF NAMES ON BALLOTS

In **Primary Elections**

Candidates appear on the ballot in the order in which they file. This is why no candidate may file earlier than Noon on March 24, 2009, nor later than 5:00 p.m. on April 10, 2009. If two or more candidates file at the same time, the order in which they appear will be determined by a drawing conducted by the State Board of Elections.

In **General Elections**

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Candidates representing any other recognized political party (see Item XII on Page 10 herein), if any, appear next on the ballot in the order determined by a second drawing conducted by the State Board of Elections. Independent (non-party) candidates appear in alphabetical order after the aforementioned political party candidates.

XVI. THE SUCCESSFUL CANDIDATE

Any successful candidate must file, as a condition to assuming office, with the Secretary of the Commonwealth, a **second** Statement of Economic Interests as required by §§ 2.2-3114 and 2.2-3117 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by, and available from, the Secretary of the Commonwealth.

The successful candidate is required by law to qualify and take the oath of office on or before the date the term of office begins.

XVII. FREQUENTLY ASKED QUESTIONS

A. Who may circulate a candidate's petitions?

A candidate may circulate his/her own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a qualified voter in Virginia.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of each signature. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

B. I am circulating a petition for a candidate: may I also sign as a qualified voter the petition I am circulating?

I am a Notary circulating petitions for a candidate; may I notarize the petition pages I circulate?

NO TO BOTH. The person circulating the petition must answer, under oath, that he **personally witnessed** the affixing of each signature on the petition and no person can witness his/her own signature.

C. I am a candidate and a Notary ; may I notarize the petition pages circulated by other persons?

NO. § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **OR** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

XVII. FREQUENTLY ASKED QUESTIONS (continued)

- D. I work for the federal government; can I be a candidate?

Generally NO, because the election is usually a partisan one.

Employees of the federal government are prohibited from being candidates in partisan elections by the federal law commonly known as the Hatch Act.

Most employees of the legislative branch are not covered by the Hatch Act. However, but they may be affected by other rules and regulations. Consult the office of the Special Counsel if in doubt [see Item E below].

- E. I work for the state or a local government; can I be a candidate?

Some state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work.** If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, U. S. Merit Systems Protection Board, 1730 M Street, NW, Suite 300, Washington, D. C. 20036 or call them at either 800-872-9855 or 202-254-3600. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules of the agency or ordinances of the government for which you work. **Contact your personnel officer.**